REMARKS

By this amendment, Applicant has amended claim 3 to be in independent form by including therein all of the limitations of claims 1 and 2, from which claim 3 previously depended. Claim 3 has also been amended to include the limitation previously recited in dependent claim 7. Accordingly, claims 1, 2 and 7 have been canceled without prejudice or disclaimer. Claim 1 has further been amended to recite that the toner includes wax in an amount of 0.1 to 5 weight %. See, e.g., page 19, lines 8-10 of Applicant's specification. Claims 4-6 and 9 have been amended to depend from claim 3. Claim 8 has been amended to be independent form and to correspond to amended claim 3 but with the preamble reading "A toner for developing electrostatic charge images by a non-magnetic one-component developing method." Claim 9 has been amended to indicate that the toner comprises color pigment. Applicant has added claim 10 to recite that the wax is contained in an amount of 1-5 weight %, (see page 19, lines 8-10) and claims 11 and 12 to recite preferred ranges for the ratio A/B (see, e.g., page 15, lines 4-7 of Applicant's specification).

Applicant has amended the specification to delete reference therein to the claims.

In view of the foregoing amendments to the specification, reconsideration and withdrawal of the objection to the disclosure at the top of page 2 of the Office Action are requested.

Noting the Examiner's comments concerning the Information Disclosure Statement filed April 25, 2007, Applicant will submit shortly, under separate cover, a Supplemental Information Disclosure Statement providing form PTO/SB/08B listing the previously submitted International Preliminary Report on Patentability.

In view of the foregoing amendments to the claims, it is submitted all of the claims now in the application comply with the requirements of 35 U.S.C. 112, second paragraph. Therefore, reconsideration and withdrawal of the rejection of claims 2, 8 and 9 under 35 U.S.C. 112, second paragraph are requested.

Claims 1-9 stand rejected under 35 U.S.C. 102(b) as being anticipated by JP 10-073959. Applicant traverses this rejection and request reconsideration thereof.

The present invention relates to a toner for developing electrostatic charge images. The toner comprises at least binder resin, colorant and wax. The binder resin contains alicyclic olefinic resin (A) being made by copolymerizing cyclic olefin (A1) and acyclic unsaturated olefinic monomer (A2), and thermoplastic elastomer (B), wherein a ratio ((A)/(B)) between the alicyclic olefinic resin (A) and the thermoplastic elastomer (B) is 70/30 to 99.5/0.5. The wax is contained in an amount of 0.1 to 5 weight %.

JP 10-073959 discloses an electrostatic image developing toner containing at least a binder resin, a coloring agent, and a thermoplastic elastomer. It also contains 25% or more of a component having a molecular weight of 10,000 or less in the molecular weight distribution measured by JPC of THF soluble content. The content of the thermoplastic elastomer is preferably 0.1-30 parts by mass to 100 parts by mass of the binder resin, more preferably 1.0-10 parts by mass. The computer generated English translation provided by the Examiner appears to indicate that the toner can include various waxes. However, it does not appear from the computer generated English translation or abstract that the amount of wax is defined.

The toner having the presently claimed composition can be easily produced with a small of amount of wax uniformly and finely dispersed in the binder resin. That is, the amount of wax is present in an amount of 0.1 to 5 wt. %. On the other hand, as disclosed in the paragraph bridging pages 3 and 4 of Applicant's

specification, when wax is contained in a higher amount, e.g., 7-20 wt. %, the toner particles can be melted and adhered to each other, or the melted toner is easily adhered to charging members of a developing device. Consequently, the melt contamination resistance is easily deteriorated. On the other hand, since the toner of the present invention contains a small amount of wax, the melt contamination resistance is not deteriorated. Moreover, the toner of the present invention has superior melt contamination resistance in which the upper limit of the winding temperature is 190° or more. See, e.g., a comparison of the Examples of the present invention in Table 1 with Comparative Examples in Table 2 on page 29 of Applicant's specification. It is submitted the JP 10-073959 publication does not disclose the toner presently claimed.

Applicant notes the Examiner has cited a number of documents as being pertinent to applicant's disclosure. However, since none of these documents has been applied in rejecting the claims formerly in the application, further discussion of these documents is deemed unnecessary.

In view of the foregoing amendments and remarks, favorable reconsideration and allowance of all of the claims now in the application are requested.

Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to the Deposit Account of Antonelli, Terry, Stout & Kraus, LLP, Deposit Account No. 01-2135 (Docket No. 1150.46715X00) and please credit any excess fees to such Deposit Account.

Respectfully submitted,
ANTONELLI, TERRY, STOUT & KRAUS, LLP
/Alan E. Schiavelli/
Alan E. Schiavelli
Registration No. 32,087

1300 N. Seventeenth Street - Suite 1800
Arlington, Virginia 22209
Tel: 703-312-6600 Fax: 703-312-6666